

# DEPARTMENT OF VETERANS AFFAIRS



## VA MEDIATOR CERTIFICATION PROGRAM

### Introduction

VA Directive 5978, Alternative Dispute Resolution (February 23, 2000), sets forth Departmental policy regarding VA's commitment to using ADR, particularly mediation, to resolve workplace conflicts as early as feasible, to the maximum extent practicable, in an appropriate and cost-effective manner, and at the lowest organizational level. Pursuant to VA Directive 5978, the option of mediation must be made available to every VA employee who has a workplace dispute, and that employee must have sufficient information on mediation to make an informed decision as to its use.

Mediation is a form of ADR in which a specially trained neutral third person (mediator) assists individuals to find a mutually acceptable solution to their dispute. Mediation is a problem solving process; it is voluntary, unbiased, confidential and non-adversarial. In mediation, the mediator does not make decisions or force a decision on any party to the dispute. The role of the mediator includes, but is not limited to, assisting the parties to identify issues, fostering joint problem solving, and exploring settlement opportunities in a neutral environment. Ideally, VA employee mediators should possess the following qualities:

- Respect and adherence to confidentiality
- Fairness
- Patience
- Honesty
- Trustworthiness

- Credibility
- Active listening skills
- Neutrality
- Creativity
- Good communication skills
- Empathy
- Impartiality
- Non-judgmental
- Professional demeanor
- Problem solving skills

The VA's ADR Program is a series of administration, staff office, regional and local facility initiatives, policies and/or programs that are woven together to provide support and share information and resources. There are a variety of mediation programs throughout the Department with a variety of mediator skills training, experience, and standards. Because of these factors, VA's approach has been, and continues to be, to encourage responsibility for mediation program implementation and operation at the facility level.

### **The VA Mediator Certification Program**

The VA Mediator Certification Program (Program) provides VA employees who meet the qualifications set forth below for VA employee mediators the opportunity to become certified by VA's Dispute Resolution Specialist (DRS). These qualifications were established by the DRS and recognize standard minimal competencies that must be met by VA employees who mediate VA workplace disputes. VA facilities may, if they choose, adopt additional requirements for individuals who wish to serve as mediators in their local programs.

Upon becoming certified, the DRS will issue a certificate and the mediator's name will be entered on a Roster of VA Mediators maintained by the DRS. If the mediator agrees, his or her name will be entered onto the Roster of VA Mediators which will be maintained at [www.va.gov/adr/certifiedmed](http://www.va.gov/adr/certifiedmed)

## **A. Qualifications**

To be certified by the DRS as a VA mediator, a VA employee must meet standards of competence and ethics, and following requirements:

1. *Training* - The applicant must have successfully completed a course in basic mediation skills (minimum 24 hours). The course must have included an introduction to conflict, an overview of the principles and practices of mediation, and training in the stages of mediation. The basic skills course must have emphasized mediating workplace disputes, and included participation in mediation role-plays, dealing with difficult people, handling bias, developing communication skills, creative problem-solving, agreement writing, an overview of EEO law and processes, and ethical standards for mediators.
2. *Experience* - The applicant must have co-mediated at least 3 workplace mediations with an experienced mediator (who has mediated at least 3 work place disputes), and received positive evaluations from the mediator. Alternatively, the applicant must have participated in at least 5 mediations within two years of the application date and must have received satisfactory evaluations from the mediation participants.
3. *Standing* - The applicant must be endorsed by the ADR program coordinator for the facility in which the mediation services were provided or, alternatively, by the facility director or designee.

## **B. Application process**

Individuals making application for certification under this Program must submit *in a complete package* to the VA Dispute Resolution Specialist (DRS), VA Board of Contract Appeals (09), 810 Vermont Avenue, NW, Washington, DC 20420 the following information:

1. The executed VA Mediator Certification (Attachment A).

2. Evidence of successful completion of the *Training* requirements, *e.g.*, course agenda and/or description setting forth proof that the applicant has met the training requirements set forth above.
3. Evidence of successful completion of the *Experience* requirements, *e.g.*, letters or evaluation forms from qualified mediators and/or the parties.
4. Evidence of the *Standing* requirement, *e.g.*, a statement from the coordinator of the primary program(s) under which the applicant provides mediator services that he or she is in good standing as a mediator in that program.

### **C. Certification Process**

Once the materials required by the Application Process have been fully assembled by the applicant, and received by the DRS, they will be appropriately considered. Upon successful completion of the application process, the applicant will be issued a certificate confirming his or her status as being a certified VA mediator for workplace disputes. The certificates are valid for a 24-month period and contain an expiration date. VA mediators may be re-certified using the Re-certification Process set forth below.

The DRS may further delegate the collection and maintenance of the mediator candidates' records, processing of applications, and any other portions of this Program to the Deputy Dispute Resolution Specialist (DDRS).

### **D. Re-certification Process**

To maintain certification status a VA employee mediator must mediate (or co-mediate) at least 3 mediation sessions (minimal 2 hours each) within the 24-month period. If the mediator is unable to complete three mediations within this period, evidence of fulfillment of a minimum of 8 hours of ADR-related courses will be an acceptable substitute. This requirement may also be met by serving as an instructor for a minimum of 8 hours in ADR-related courses. Training must be geared at reinforcing the skills, strategies, and techniques learned in basic mediator skills training (*e.g.*, maintaining neutrality, active listening, effective questioning, reframing, summarizing and negotiating techniques), and would ideally provide the

opportunity for role-plays, practice in a supervised setting, and individualized feedback to the mediator.

Approximately 1-month prior to date the certificate is set to expire, VA mediators wishing to become re-certified must submit to the DRS:

1. An executed certification (Attachment B).

Supporting documentation is not required for re-certification.

Upon successful completion of the re-certification process, the DRS will issue a new updated certificate.

#### **E. Further information**

Further information on the VA Mediator Certification Program is provided on VA's website at <http://www.va.gov/adr/WhatsNew.htm>. Please contact us electronically at: [Valerie.Barlow@mail.va.gov](mailto:Valerie.Barlow@mail.va.gov).

VA MEDIATOR CERTIFICATION

Applicants requesting certification as a VA Mediator must execute the following certificate and provide supporting documentation as articulated in the Qualifications section of the Program.

**I certify that:**

- ☐ I have successfully completed 24 hours of basic mediator skills training that included the following topics: an introduction to conflict, an overview of the principles and practices of mediation, including the stages of a mediation (*e.g.*, the opening statement, caucuses, the exchange, building the agreement, writing the agreement, and the closing statement). The course included participation in mediation role-plays, dealing with difficult people, handling bias, developing communication skills, creative problem-solving, and ethical standards for mediators.
- ☐ I have co-mediated at least 3 mediations with an experienced qualified mediator and received positive evaluations.
- ☐ I have participated as a mediator in at least 5 mediations in the preceding two years and have received satisfactory evaluations from the mediation participants.
- ☐ I am in good standing as a mediator in the primary program in which I mediate.

**Signature:** \_\_\_\_\_

**Name (print):** \_\_\_\_\_

**Current Employing Facility:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Phone/Fax/Email:** \_\_\_\_\_

Are you willing to be listed as a VA employee mediator on a Roster maintained by the Dispute Resolution Specialist and posted on VA's ADR Website?

☐ Yes

☐ No

**VA MEDIATOR RE-CERTIFICATION**

Applicants requesting re-certification as a VA Mediator must execute the following certificate. *Supporting documentation is not required for re-certification.*

**I certify that:**

- ☐ I have successfully completed three (3) mediations within the preceding 24-month period.
- ☐ During the preceding 24 months, I have attended or served as an instructor for 8 hours of ADR-related courses which were geared at reinforcing the skills, strategies, and techniques learned in basic mediator skills training (e.g., maintaining neutrality, active listening, effective questioning, reframing, summarizing and negotiating techniques), with focus on role-plays, practice in a supervised setting, and individualized feedback to the mediator.

**Signature:** \_\_\_\_\_

**Name (print):** \_\_\_\_\_

**Current Employing Facility:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Phone/Fax/Email:** \_\_\_\_\_

Are you willing to be listed as a VA employee mediator on a Roster maintained by the Dispute Resolution Specialist and posted on VA's ADR Website?

☐ Yes

☐ No